

REMARKS

Claims 18 have been amended as to matter of form without introducing any new subject matter. In this manner, claims 1-28 are pending in the present application. Reconsideration is respectfully requested.

In the Office Action, claims 1-3, 6, 10-12, 15 stand rejected under 35 U.S.C. § 102(e) over the U. S. Patent 6,233,565 (“the Lewis reference”). The Examiner’s rejection of claims 1-3, 6, 10-12, 15 is respectfully traversed. Claim 1 is directed to a security envelop. The security envelop of claim 1 comprises a barcode in a two-dimensional symbology located on the security envelope. The barcode encodes a public component and a private component. The public component comprises a public digital mail identification and a digital signature signed by the sender encrypted by the private key of the sender. The private component comprises a private digital mail identification and a digital signature signed by the sender encrypted by the public key of the receiver. The Examiner alleges that all the claimed features of claim 1 are taught by Lewis in column 31 lines 5-15 and 25-45 and column 28 lines 50-60.

However, the Lewis reference discloses a system and methods for conducting Internet based financial transactions between a client and a server. The sections relied upon by the Examiner teach that encryption of information for a communication between a client and a server occurs using the public key of each other’s counterpart device. In other words, at the client-side, the client uses the public key of the server to encrypt information sent to the server, and on the server-side the server uses the public key of the client to encrypt information sent to the client for transmitting the encrypted information. See column 31 lines 5-15 and 25-45 and column 28 lines

50-60. As such, the Lewis reference at least does not teach or disclose that encryption of the public component of the security envelop is done using the private key of the sender and the encryption of the private component of the security envelop is done using the public key of the receiver. For this reason alone, the Applicants respectfully submit that claim 1 and its dependent claims are not anticipated by the Lewis reference. For at least this reason, claim 10 and its dependent claims are allowable.

Claims 4-5, 7-9, 13-14, and 16-28 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully submit that the rejected claims are not rendered obvious in view of the applied references. To establish a *prima facie* case of obviousness, three basic criteria must be met, one of which is that the prior art reference (or references when combined) must teach or suggest all the claim features. In the instant case, neither Lewis nor the other references teach or disclose encryption of the public component of the security envelop is done using the private key of the sender and the encryption of the private component of the security envelop is done using the public key of the receiver. As such, at least this claimed feature is missing from all of the cited references. Accordingly, claims 4-5, 7-9, 13-14, and 16-28 are allowable.

With respect to claim 22, the Examiner takes “Official Notice” to make a case of obviousness. Because the Office cites no specific reference to support this “obviousness” assertion, the applicant infers that the Examiner makes this assertion based on personal knowledge. However, no supporting affidavit has been made of record. The applicant respectfully requests that prior art be provided to substantiate this “obviousness” assertion or that an affidavit be filed in accordance with 37 C.F.R. § 1.104(d)(2), which states (emphasis added):

(2) When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference *must* be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, the applicant respectfully and seasonably requests the Office to either

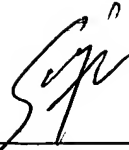
(1) cite a reference in support of this position, or (2) provide a Rule 104(d)(2) affidavit from the Examiner supporting any facts within the personal knowledge of the Examiner, as also set forth in M.P.E.P. § 2144.03.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and therefore not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization. Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicants respectfully assert that all of the claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned patent agent at the Houston, Texas telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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CUSTOMER NO. 23720



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